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ITEM NO.46

Court No.11

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).916-919/2012

(From the judgement and order dated 04/11/2011 in IA No.5778/2011 IA No.5781/2011 IA No.5779/2011 IA No.5780/2011 in CRLA No.213/2006 of The HIGH COURT OF M.P AT INDORE)

SHAHID KHAN & ORS.

Petitioner(s)

VERSUS

STATE OF M.P.

Respondent(s)

(With appln(s) for bail and office report)

Date: 02/07/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. Fakhruudin, Sr. Adv.

Mr. Rajkishore Choudhary, Adv.

Ms. Neeru Sharma, Adv.

Mr. Surya Kamal Mishra, Adv.

Mr. T. Mahipal, Adv.

For Respondent(s) Ms. Aishwarya Bhati, Adv.

Mr. C.D. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

The High Court of Madhya Pradesh has for a third time declined suspension of life sentence awarded to the petitioners in a case in which the trial court has convicted them under Section 364 A, Indian Penal Code. One of these orders were earlier challenged before this Court which came to be dismissed on 15th July, 2011. There is no material

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change in the circumstance since the passing of that order except that the appeal filed by the petitioners has not been heard and disposed of by the High Court. Mr. Fakhruddin, learned senior counsel for the petitioners argued that although the petitioners had prayed for early hearing of the appeal, the High Court has declined that request also. He drew our attention to order dated 23.03.2011 passed by the High Court by which the High Court had turned down the prayer for early hearing of the appeal on the ground that older cases are awaiting hearing and disposal by the Court. He argued that this Court could in the circumstance intervene to suspend the sentence or atleast request the High Court to take up the appeal at an early date. We find merit in the alternative prayer made by the learned counsel. We, accordingly, dispose of these special leave petitions with a request to the High Court to expedite the hearing and disposal of the criminal appeal filed by the petitioners as early as possible and preferably within a period of six months from the date a copy of this order is placed before the High Court with an appropriate application for early disposal of the matter. We make it clear that in

case, despite any such application and the willingness of the petitioner's counsel to argue the matter, the appeal is not heard and disposed of within a period of six months from the date the application for early hearing is filed, the petitioner shall be free to move a fresh application for

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suspension of sentence awarded to them. Any such application shall then be considered by the High Court on its merits uninfluenced by the earlier orders passed by this court or the High Court on the subject.

|(Shashi Sareen)
|Court Master

| |(Veena Khera)
| |Court Master

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